

memorandum is to set forth the basis for the exemption, its scope, and such terms and conditions as are deemed necessary. Such terms and conditions generally include, but are not limited to, agreements by the applicant to conduct the exempt activity in the manner described to EPA, create and maintain adequate records accessible to EPA at reasonable times, employ labels for the exempt engines setting forth the nature of the exemption, take appropriate measures to assure that the terms of the exemption are met, and advise EPA of the termination of the activity and the ultimate disposition of the engines.

(b) Any exemption granted pursuant to paragraph (a) of this section is deemed to cover any subject engine only to the extent that the specified terms and conditions are complied with. A breach of any term or condition causes the exemption to be void ab initio with respect to any engine. Consequently, the causing or the performing of an act prohibited under § 89.1003(a)(1) or (a)(3), other than in strict conformity with all terms and conditions of this exemption, renders the person to whom the exemption is granted, and any other person to whom the provisions of § 89.1003(a) are applicable, liable to suit under sections 204 and 205 of the Act.

**§ 89.911 Submission of exemption requests.**

Requests for exemption or further information concerning exemptions and/or the exemption request review procedure should be addressed to: Chief, Selective Enforcement Auditing Section, Manufacturers Operations Division (6405-J), Environmental Protection Agency, 401 M Street SW, Washington, DC 20460.

**§ 89.912 Treatment of confidential information.**

The provisions for treatment of confidential information as described in § 89.7 apply.

**Subpart K—General Enforcement Provisions and Prohibited Acts**

**§ 89.1001 Applicability.**

The requirements of subpart K are applicable to all nonroad engines subject to the provisions of subpart A of part 89, and to all nonroad vehicles and equipment that contain such nonroad engines.

**§ 89.1002 Definitions.**

The definitions in subpart A of this part apply to this subpart.

**§ 89.1003 Prohibited acts.**

(a) The following acts and the causing thereof are prohibited:

(1)(i) In the case of a manufacturer of new nonroad engines, vehicles, or equipment for distribution in commerce, the sale, or the offering for sale, or the introduction, or delivery for introduction, into commerce, of any new nonroad engine manufactured after the applicable effective date under this part, or any nonroad vehicle or equipment containing such engine, unless such engine is covered by a certificate of conformity issued (and in effect) under regulations found in this part.

(ii) In the case of any person, except as provided in subpart G of this part, the importation into the United States of any new nonroad engine manufactured after the applicable effective date under this part, or any nonroad vehicle or equipment containing such engine, unless such engine is covered by a certificate of conformity issued (and in effect) under regulations found in this part.

(2)(i) For a person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under § 89.1004.

(ii) For a person to fail or refuse to permit entry, testing, or inspection authorized under §§ 89.129–96, 89.506–96 or 89.1004.

(iii) For a person to fail or refuse to perform tests, or to have tests performed as required under §§ 89.119–96 or 89.1004.